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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,137	02/09/2004	Peter Field	6558-.0502	8399

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EXAMINER	
CARTER, WILLIAM JOSEPH	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,137	FIELD, PETER	
	Examiner	Art Unit	
	William J. Carter	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 3, 5, 8, and 10 are objected to because of the following informalities:

In claim 3, "a focal axis" from the original claim has been changed to "a focal access," but it is believed that "a focal axis" better describes the item of reference.

In claim 3, line 3, it appears that "in a focal point" should be changed to "and a focal point."

In claim 5, "the rack and teeth" and "the movement axis" lack antecedent basis.

In claim 8, line 2, "said focal axis" lacks antecedent basis.

Claim 10 is dependent on cancelled "claim 2," but is interpreted to be dependent on claim 3 and will be examined as interpreted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doong (6,789,929) in view of Uchida (6,821,005).

With respect to claim 3, Doong shows a vehicle headlight assembly (76) comprising a concave reflector (21') having a focal axis and a focal point on the axis

(because the reflector is symmetrical the focal point of the reflector 21' will be at the center axis of reflector 21'); a light source (5') located on the focal axis (Fig. 7), the reflector having an opening aligned with the focal axis (Fig. 7); the light source having a tubular conduit (17) extending through the opening on the focal axis (Fig. 7); and electrical power means (wires shown at the rear of item 5') connected to the conduit (Fig. 7) for moving the conduit on it's axis through the plane of the opening (arrows and dashed items represent the electrical movement of 5'), whereby the light source is moved toward or away from the reflector through an infinite number of positions between the high beam and the low beam positions (arrows and dashed items in Fig. 7 represent an infinite number of positions between high beam and low beam positions); and a support means (6 and the toothed rack item 6 is attached), whereby as the electrical power means (6 and wires shown at the rear of item 5') moves the light source from the high beam position to the low beam position (represented by dashed and solid figures). Doong does not explicitly show a pivot support means for the reflector, whereby the focal axis of the reflector is adjusted from a generally horizontal orientation to a downwardly-tilted orientation. Uchida, drawn to adjustable lighting, teaches a pivot support (14 and 15) for the reflector (20), that can be adjusted from a generally horizontal orientation to a downwardly-tilted orientation (column 7, lines 52-57) (it is not explicitly stated that the pivot support means for the reflector and the electrical power means that moves the light source are the same item). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the pivoting system of Uchida in the headlight of Doong, in order to obtain a beam which has excellent visibility

at a short distance in the forward part of a vehicle and can be prevented from being changed into glare light for a vehicle driving in the opposite direction (column 7, lines 58-61).

As for claim 4, Doong further shows an electric motor, a pinion gear (6) driven by the motor, and a toothed rack (seen just above item 6) moveable within the tubular conduit (17).

As for claim 7, Doong further teaches the reflector (21') has a parabolic reflective surface (column 2, lines 10-13) facing the light source (Fig. 7).

As for claim 10, Doong further shows light source wiring (wires seen at rear of item 5') extending within the tubular conduit (17).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doong and Uchida as applied to claim 3 above, and further in view of Taniuchi et al. (5,9715,740).

With respect to claim 5, Doong and Uchida teach all of the claimed elements, as disclosed above, except for the lamp's adjusting arm being oriented on a line that is acutely angled to the movement axis of the lamp's support. Taniuchi, drawn to vehicle headlights, teaches a lamp's adjusting arm (62) is oriented on a line that is acutely angled to the movement axis (X) of the lamp's support (5). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the adjusting means of Taniuchi in the headlight of Doong, in order to move the headlight smoothly forward and backward in a diagonal direction (column 3, lines 57-59).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doong and Uchida as applied to claim 3 above, and further in view of Piper (1,543,617).

With respect to claim 6, Doong and Uchida teach all of the claimed elements, as disclosed above, except for an annular seal between the tubular conduit and the opening in the reflector for preventing any migration of dirt or moisture through the opening. Piper shows an annular seal (item 34 combined with item 35) between the tubular conduit (item 23 coupled with item 24) and the opening in the reflector (inside surface of item 33) for preventing any migration of dirt or moisture through the opening. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the seal of Piper in the light of Doong, in order to be able to move the lamp out of the foci of the reflector (page 2, lines 17-21).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doong and Uchida as applied to claim 7 above, and further in view of Gatton (4,533,984).

With respect to claims 8 and 9, Doong and Uchida teach all of the claimed elements as disclosed above, except for the pivot support means being located on the focal axis so that the focal point is between the pivot support means and the parabolic reflective surface. Gatton, drawn to adjustable lighting, teaches a pivot support means (37 and 40) on the focal axis (the center of the reflector (31)) so that the focal point (column 8, lines 27-35) is between the pivot support means and the parabolic reflective surface (31). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the pivot support of Gatton in the headlight of Doong, in order to

provide selective axial displacement along a longitudinal optical axis with respect to a focal point of the reflector (Abstract).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on (571)272-2009. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc
02/13/06

RENEE LUEBKE
PRIMARY EXAMINER